

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

DALI WIRELESS, INC., a Delaware Corporation,	)	
	)	
	)	
Plaintiff,	)	Case No. 6:20-cv-01108-ADA
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
CORNING, INC., a New York Corporation,	)	
and CORNING OPTICAL	)	
COMMUNICATIONS LLC, a North Carolina	)	
Limited Liability Company,	)	
	)	
Defendants.	)	

**[PROPOSED] SCHEDULING ORDER**

Plaintiff Dali Wireless, Inc. submits the following Proposed Scheduling Order pursuant to Federal Rule of Civil Procedure 16(b) and the Court’s November 21, 2020 email message providing that the Case Management Conference in Case No. 6:20-cv-00827-ADA (the “-827 Case”) shall be “[d]eemed to have occurred on” December 7, 2020.

As Dali’s Complaint in this action is substantively identical to Dali’s Amended Complaint in the -827 Case (ECF 19), the Corning Defendants would not be prejudiced if the Court enters the same litigation schedule in this case as the Corning Defendants had previously agreed to in connection with the -827 Case.<sup>1</sup>

The Court therefore ORDERS that the following schedule will govern deadlines up to and including the trial of the above-captioned matter.

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<sup>1</sup> Dali proposes, as the sole departure from the parties’ previously-agreed schedule, that the Corning Defendants’ deadline to move to transfer this case will be adjourned until 14 days following the date on which the Court either convenes its Case Management Conference in this case, or deems the CMC to have occurred.

Date	Event
December 4, 2020	Plaintiff serves preliminary <sup>2</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date ( <i>i.e.</i> , the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
14 days following the date that the Court convenes a Case Management Conference in the instant case, or deems the CMC to have occurred	Deadline for Motions to Transfer
February 1, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.
February 5, 2021	Parties exchange claim terms for construction.
February 19, 2021	Parties exchange proposed claim constructions.

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<sup>2</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Date	Event
February 26, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>3</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
March 5, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
March 12, 2021	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.
April 2, 2021	Defendant files Responsive claim construction brief.
April 16, 2021	Plaintiff files Reply claim construction brief.
April 30, 2021	Defendant files Sur-Reply claim construction brief.
May 3, 2021	Parties submit Joint Claim Construction Statement.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
May 7, 2021	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). <sup>4</sup>
May 14, 2021	<i>Markman</i> Hearing at 1:30 PM for a half day.
May 17, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
June 25, 2021	Deadline to add parties.

<sup>3</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<sup>4</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Date	Event
July 9, 2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
September 3, 2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
September 13, 2021	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
October 11, 2021	Close of Fact Discovery.
October 18, 2021	Opening Expert Reports.
November 15, 2021	Rebuttal Expert Reports.
December 6, 2021	Close of Expert Discovery.
December 13, 2021	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
December 20, 2021	Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
January 5, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
January 19, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
January 26, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .

Date	Event
February 2, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
February 7, 2022	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
February 18, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
February 22, 2022	Final Pretrial Conference.
March 14, 2022	Jury Selection/Trial.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE